

1 JOSEPH P. RUSSONIELLO (CABN 44332)
2 United States Attorney

FILED

2009 DEC 18 P 3:42

5 RICHARD W. WIEKING
6 CLERK, U.S. DISTRICT COURT
7 N.D. CA.-SAN JOSE

SEALED BY ORDER
OF THE COURT

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,

CR-09 01197

12 Plaintiff,

13 v. } VIOLATION: 21 U.S.C. §§ 331(d) and
14 VMG GLOBAL, INC., } 333(a)(2)--Introduction and Delivery of
15 dba AMERICAN CELLULAR LABS, } Unapproved New Drugs Into Interstate
16 Defendant. } Commerce With The Intent To Defraud And
17 Mislead

SAN JOSE VENUE

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INFORMATION

18 The United States Attorney charges:

19 COUNT ONE: (21 U.S.C. §§ 331(d) and 333(a)(2) -- Introduction/Delivery For Introduction Of
20 Unapproved Drugs With Intent To Defraud And Mislead

21 Beginning in approximately January of 2005, and continuing through July of 2009,
22 in the Northern District of California, and elsewhere, the defendant

23
24 VMG GLOBAL, INC.,
dba AMERICAN CELLULAR LABS,

25 with the intent to defraud and mislead, did introduce, and deliver for introduction, into interstate
26 commerce new drugs, as defined at Title 21, United States Code, Section 321(p), which had not
27 been approved by the Food and Drug Administration, as required by Title 21, United States

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DOCUMENT NO. 1
CSA's INITIALS
DISTRICT COURT CRIMINAL CASE PROCESSING

C
JF
AV/SA

1 Code, Section 355, that is, "American Cellular Labs Tren Xtreme," and "American Cellular Labs
2 Mass Extreme."

3 All in violation of Title 21, United States Code, Sections 331(d) and 333(a)(2).

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5 DATED: 12/18/09
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7 JOSEPH P. RUSSONIELLO
8 United States Attorney

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11 MATTHEW A. PARRELLA
12 Chief, CHIP Unit
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14 (Approved as to form: 
15 AUSA PARRELLA
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DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURTBY: COMPLAINT INFORMATION INDICTMENT**OFFENSE CHARGED**

21 USC 331(d) & 333 (a)(2) -Introduction and Delivery of Unapproved New Drugs Into Interstate Commerce With The Intent To Defraud And Mislead

PENALTY: 3 years custody; \$10,000 fine; 1 year supervised release; special assessment \$100.

- Petty
 Minor
 Misdemeanor
 Felony

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

FILED**DEFENDANT - U.S.**

2009 DEC 18 P 3:42

VMG GLOBAL, INC.,

dba AMERICAN CELLULAR LABS RICHARD W. WIEKING JF

DISTRICT COURT NUMBER

CLERK, U.S. DISTRICT COURT

ND. CA. SAN JOSE

CR - 09 01 197**PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

FDA

person is awaiting trial in another Federal or State Court,
give name of court

this person/proceeding is transferred from another district
per (circle one) FRCrp 20, 21, or 40. Show District

this is a reprocution of
charges previously dismissed
which were dismissed on motion
of:

U.S. ATTORNEY DEFENSE

SHOW DOCKET NO.

this prosecution relates to a
pending case involving this same
defendant

prior proceedings or appearance(s)
before U.S. Magistrate regarding this
defendant were recorded under

MAGISTRATE CASE NO.

Name and Office of Person
Furnishing Information on this form Joseph P. Russoniello

U.S. Attorney Other U.S. Agency

Name of Assistant U.S.
Attorney (if assigned)

AUSA Matthew A. Parrella

IS IN CUSTODY4) On this charge5) On another conviction6) Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer Yes
been filed? No

If "Yes"
give date
filed

DATE OF
ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED
TO U.S. CUSTODY

Month/Day/Year

 This report amends AO 257 previously submitted**PROCESS:**

SUMMONS NO PROCESS* WARRANT

Bail Amount: _____

If Summons, complete following:

Arraignment Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____

Before Judge: _____

Comments: